

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, *et al.*,**

Plaintiffs,

EDDIE BERNICE JOHNSON, *et al.*,

Plaintiff-Intervenors,

v.

**GREG ABBOTT, *in his official capacity as
Governor of the State of Texas, et al.*,**

Defendants.

**EP-21-CV-00259-DCG-JES-JVB
[Lead Case]**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS, *et al.*

Defendants.

**Case No. 3:21-CV-00299-DCG-JES-JVB
[Consolidated Case]**

CLARIFICATION ORDER


On November 17, 2022, this Court ordered Texas legislators, their staff, and a staff member of the Texas Legislative Council (collectively, the “Legislators”) to produce certain documents they withheld under assertions of attorney-client privilege. Order, ECF No. 642. The Legislators, however, also withheld those documents under assertions of legislative privilege. *See* Mot. Clarification, ECF No. 653. Those documents the Legislators withheld under assertions of legislative privilege are currently the subject of a Fifth Circuit stay order. *LULAC v. Patrick*, No. 22-50662, Stay Order (5th Cir. July 27, 2022). This Court, therefore, **GRANTS**

IN PART the Legislator’s “Unopposed Motion to Clarify Order and, Alternatively, Opposed Motion to Stay” (ECF No. 653) and **AMENDS** its November 17 Order to make clear that the Legislators need not produce those documents subject to legislative privilege assertions until the Fifth Circuit dissolves its Stay Order or otherwise resolves the pending appeal. By further order, this Court will indicate when that time has arrived.

This Court intends to comply fully with any stays or other directives from the Fifth Circuit Court of Appeals and the Supreme Court. The parties are hereby **DIRECTED** to furnish joint periodic advisories to inform this Court of developments in any higher court that pertain to the instant district court consolidated proceedings. For example, a Joint Status Report was filed in *LULAC v. Patrick*, No. 22-50662 (5th Cir. 2022) on November 4, 2022, that is relevant to this Court’s scheduling of further proceedings. And on November 21, 2022, the Supreme Court, in *Brooks v. Abbott*, No. 22-136, dismissed, for want of jurisdiction, an appeal of one of this Court’s orders. In particular, the Court requests that the attorneys provide a listing of, and the status of, all pending and terminated appeals and other appellate matters that stem from this Court’s three-judge proceedings.

The parties must file their first advisory to this Court by **December 7, 2022**.

So ORDERED and SIGNED this 23rd day of November 2022.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas